

1 Odenat

2 A. Tim Hernandez.

3 Q. Who is he?

4 A. He's legal.

5 Q. What does he do?

6 A. He just watch my back.

7 Q. Does he review any content to make  
8 sure that it's lawful?

9 A. No, he just, you know, he respond to  
10 all the e-mails, like hey, take this down.  
11 Stuff that Theo send, he respond. We take  
12 them down.

13 Q. Is he a lawyer?

14 A. Yes.

15 Q. Where is he located?

16 A. Tennessee.

17 Q. Where is Kevin Black located?

18 A. Los Angeles.

19 Q. Who else works for you? By the way,  
20 are these two people actually on your  
21 payroll, Kevin Black and Tim Hernandez?

22 A. Well, we're working on that, yeah.

23 Q. All right. Who else?

24 A. Chris, Justin.

25 Q. Who is Chris?

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2 MS. STETSON: About his  
3 testimony?

4 MR. ZARIN: Karen, I'm not a  
5 witness here. He is. If you want to  
6 proceed with questions for him, then  
7 please go ahead.

8 MS. STETSON: My understanding  
9 is that during a deposition it's not  
10 appropriate to discuss testimony.  
11 That's why I'm asking that.

12 MR. ZARIN: Okay, well, we can  
13 take it up with the magistrate  
14 judge --

15 MS. STETSON: I'll take that as  
16 a yes then.

17 MR. ZARIN: You will take it as  
18 nothing.

19 Q. Now I understand your testimony is you  
20 were not intending to make your website look  
21 like it was a specific either 50 Cent website  
22 or a G-Unit website; is that your testimony?

23 A. Correct.

24 Q. Okay. With that being the case, what  
25 was your intent? Let's just talk about

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Exhibit 3, then. What was it that you were trying to convey, if not a G-Unit website by that image?

A. Well, it was a Whoo Kid, my affiliation with Whoo Kid, that's the only reason why the images were -- you know, why the image is up. Just that because at that time, you know, I used to -- I worked for Whoo Kid and Shadyville which is affiliated with G-Unit, so at that time, you know, I was, you know, I had my site, but it was just promoting Whoo Kid. The images all promoting Whoo Kid. Whoo Kid is on every image.

Q. He's not the only person on that image, is he?

A. Well, he's with the other G-Unit members that work for him. They all work for him.

Q. 50 Cent works for Whoo Kid?

A. Well, I mean they all kind of like all togetherness with. They're all affiliated, associated.

Q. Who is the leader of G-Unit?

A. 50 Cent.

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2 Q. Who is the boss?

3 A. Eminem. 50 Cent. 50 Cent.

4 Q. Who are all of the different people  
5 that are --

6 A. They're all G-Unit members, including  
7 Whoo Kid.

8 Q. Name them.

9 A. That's Yayo, Buck, Banks, 50 and Whoo  
10 Kid.

11 Q. Do you know where those images that  
12 were used on that masthead were taken from?

13 A. They're all from -- I'm not -- we, I  
14 never know where they come from, but they're  
15 all from like, I think, mixtapes because you  
16 can tell by Whoo Kid's mixtapes there's many  
17 different looks and images and, you know,  
18 probably from a mixtape.

19 Q. Who put that image together, Exhibit  
20 3?

21 A. I don't know. That's so many years  
22 ago, I don't know.

23 Q. Who are the possibilities?

24 A. It was a company that I was trying to  
25 just, you know, roll with -- I think I paid

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2 \$40 for that image.

3 Q. How much?

4 A. 40 bucks.

5 Q. Do you think that for \$40 that you  
6 would have the right to use those various  
7 images of the members of G-Unit to promote  
8 your website?

9 A. Like I repeated before, my affiliation  
10 with Whoo Kid, since I was working for him,  
11 is the reason why the other members of G-Unit  
12 is because Whoo Kid was also part of G-Unit  
13 and I work for Whoo Kid.

14 Q. Do you think that \$40 is an  
15 appropriate price to pay to be able to use  
16 G-Unit image to promote your website? Do you  
17 think that that's a reasonable amount of  
18 money?

19 A. Well, I think I got a good deal  
20 because sometimes images cost a hundred  
21 dollars. Whoo Kid paid a hundred bucks for  
22 some of the images on his mixtapes.

23 Q. You don't know what company did this?

24 A. I don't know the company. I don't do  
25 it. I don't know. I'm not a graphic

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2 designer. I'm a ninth grade dropout.

3 Q. Like the other image, Exhibit 1,  
4 Exhibit 3 was also created at your direction?

5 A. Not my direction. I just said put an  
6 artist which are hot at that time. This  
7 right here is separate from this, this one.

8 Q. That's Exhibit 1?

9 A. Exhibit 1 is when I decided to -- it  
10 was no more. It was also images of the  
11 hottest artist at that time.

12 Q. Right. We talked about Exhibit 1.  
13 Now I'm talking about Exhibit 3.

14 A. Exhibit 3 was my affiliation with Whoo  
15 Kid because I was working for Whoo Kid. I  
16 was part of Shadyville.

17 Q. So whatever company, the name that you  
18 can't think of right now, what instructions  
19 did you give them in order to put together  
20 Exhibit 3?

21 A. I said use Whoo Kid image because I  
22 work for him, so he decided to put Whoo Kid  
23 and his, you know, his family because G-Unit  
24 is Whoo Kid's family.

25 Q. So you told them, you know --